

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

2013 MAR -6 AM 10:33

VISALUS, INC.,

Plaintiff,

v.

AMBER THEN and OCEAN AVENUE
LLC,

Defendants.

CLERK

SO. DIST. OF GA.

CASE NO. CV413-028

O R D E R


Before the Court is Defendants' Motion to Transfer Venue. (Doc. 11.) In the motion, Defendants seek to transfer this case to the Middle District of Florida, Jacksonville Division, where three similar and related matters are already pending. (Id. at 2.) Plaintiff does not object to the motion. (Doc. 12.) After careful consideration, Defendants' motion is **GRANTED**.

28 U.S.C. § 1404(a) allows a district court, in the interest of justice and for the convenience of the parties and witnesses, to transfer any civil action to a district where it might have been originally brought. As a preliminary matter, Defendants have made the requisite showing that the action could have been brought in the Middle District of Florida—Defendant Then is a resident of Jacksonville, Florida and Defendant Ocean Avenue regularly conducts business within Florida.

Still, after this threshold determination is satisfied, transfer becomes a discretionary matter to be decided by the Court after consideration of the convenience of the parties and witnesses and in the interests of justice. See Steward Org. v. Ricoh Corp., 487 U.S. 22, 29 (1988). Here, transfer is justified under § 1404(a) because of trial efficiency, the interests of justice, and the totality of the circumstances that weigh in favor of transfer. There are three related matters pending in the Middle District of Florida involving alleged breach of similar non-solicitation and non-compete agreements. The parties also agree that it would be more convenient to transfer the case. The Court agrees that the discretionary factors weigh in favor of transfer.

For the foregoing reasons, Defendants' motion is **GRANTED**. The Clerk of Court is **DIRECTED** to **TRANSFER** this case to the United States District Court for the Middle District of Florida, Jacksonville Division. Following transfer, the Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 6th day of March 2013.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA